

MEASURE TO BE VOTED ON

NOTICE OF SPECIAL MEASURE ELECTION FOR THE CITY OF CLAYTON AND NOTICE OF DATE FIXED FOR SUBMITTING ARGUMENTS

NOTICE IS HEREBY GIVEN to the qualified electors of the City of Clayton, located in the County of Contra Costa, State of California, that in accordance with law, an election will be held on **Tuesday, the 7th day of November, 2006**, for the purpose of submitting for approval or rejection the following measure, to be displayed on each individual ballot to wit:

CITY OF CLAYTON Community Facilities District 2006-1 (Downtown Park Operation and Maintenance District)	
Shall the Downtown Park's annual operation and maintenance expenses be funded for a period of 10 years by the formation of a citywide Community Facilities District with an initial appropriations limit of \$100,600 and annual levy of special taxes?	YES
	NO

Arguments for or against this measure may be submitted to the City Clerk, 6000 Heritage Trail, Clayton, CA, **no later than 5:00 P.M., August 14, 2006**, which has been determined by the elections official to be a reasonable date based upon the time necessary to prepare and print arguments. **No argument shall exceed 300 words in length.** Arguments must follow the following format:

1. Arguments should be in block form, however, bulleted lines will be allowed.
2. Your cooperation is requested in limiting the use of *italics*, **bold-faced type**, underlining and "ALL CAPITAL LETTER" WORDS.

3. Statements must be typed or word processed in standard upper and lower case.

A Statement That Argument is True and Correct, signed by the authors must accompany all arguments; a sample of this form is available by calling the City Clerk.

Pursuant to Section 9287 of the Elections Code, one argument for and one argument against this measure will be selected for printing and distribution to the voters with the sample ballot.

The elections official will provide an opportunity for rebuttal arguments in accordance with Section 9285 of the Elections Code. Rebuttal arguments shall not exceed 250 words and must be filed **no later than 5:00 P.M., August 21, 2006**.

For more information on filing arguments, call the City Clerk at (925) 673-7300.

The polls will be open Election Day between 7:00 A.M. and 8:00 P.M.

Dated: July 31, 2006
/s Rhonda Basore
City Clerk

NOTA:

Si desea obtener la versión en Español de este aviso legal, puede solicitar una copia de la misma llamando al Departamento de Elecciones, (925) 646-4166.

RESOLUTION NO. 24-2006

**A RESOLUTION CALLING A SPECIAL ELECTION
IN A COMMUNITY FACILITIES DISTRICT**

**CITY OF CLAYTON
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)**

WHEREAS, on this date, this Council adopted its Resolution No. 23-2006 entitled "A Resolution of Formation of a Community Facilities District, Authorizing the Levy of Special Taxes Therein and Preliminarily Establishing an Appropriations Limit Therefor" (the "Resolution of Formation"), ordering the formation of the City of Clayton Community Facilities District No. 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD"), authorizing the levy of a special tax on real property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD at a special election as required by the Act; and

WHEREAS, this Council desires that the special election be consolidated with the statewide general election to occur on November 7, 2006 and that the proposition be included on the ballot for the statewide general election which ballot is prepared by the officer charged with the duty of conducting the statewide general election for the County of Contra Costa, such official being the Registrar of Voters of the County of Contra Costa (the "Election Official"); and

WHEREAS, Section 9280 of the Elections Code of the State of California authorizes the filing of an impartial analysis and Sections 9281 to 9287 of said code authorize the filing of written arguments for or against any ballot proposition, and, if adopted by the City Council, rebuttal arguments.

NOW, THEREFORE, the City Council of Clayton, California does hereby resolve as follows:

1. Issue Submitted. Pursuant to Sections 53326 and 53325.7 of the Act, the issue of the levy of said special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below. The question to be voted upon as it shall appear on the ballot shall be as follows:

Shall the Downtown Park's annual operation and maintenance expenses be funded for a period of 10 years by the formation of a citywide Community Facilities District with an initial appropriations limit of \$100,600 and an annual levy of special taxes?

5. Filing of Primary and Rebuttal Arguments. The deadline for filing primary arguments concerning the ballot measure is August 14, 2006. Provisions for Rebuttal arguments have been previously adopted by the Council. Rebuttal arguments must be filed by August 21, 2006.

6. Effective Date. This Resolution shall take effect upon its adoption.

* * * * *

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 20th day of June 2006 on the following vote:

AYES: Councilmember Laurence, Manning, Pierce, Vice Mayor Walcutt and Mayor Shuey.

NOES: None.

ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA



DAVID T. SHUEY, MAYOR

ATTEST:



Rhonda K. Basore, City Clerk

RESOLUTION NO. 23-2006

**A RESOLUTION OF FORMATION OF A COMMUNITY FACILITIES DISTRICT,
AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN AND PRELIMINARILY
ESTABLISHING AN APPROPRIATIONS LIMIT THEREFOR**

**City of Clayton, California
Community Facilities District 2006-1
(Downtown Park Operation and Maintenance District)**

WHEREAS, on May 16, 2006, this Council adopted Resolution No. 19-2006 entitled "A Resolution of Intention to Establish a Community Facilities District to Fund the Annual Operation and Maintenance of a Downtown Park for a Time Period of Ten Years, and to Authorize the Levy of Special Taxes Therein" (the "Resolution of Intention"), stating its intention to form the City of Clayton Community Facilities District No. 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the CFD and stating the Services (as described herein) to be provided, the estimated maximum cost of providing such Services, and the rate and method of apportionment of the special tax to be levied within the CFD to pay for the Services (as hereafter defined) with respect to the CFD, are each on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on June 20, 2006, this City Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed formation of the CFD; and

WHEREAS, at said hearing all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the Services to be provided therein and the levy of said special tax were heard and a full and fair hearing was held; and

WHEREAS, at said hearing evidence was presented to this Council on said matters before it, including a report by the City Manager (the "Report") as to the Services to be provided through the CFD and the costs thereof, a copy of which is on file with the City Clerk, and this Council at the conclusion of said hearing is fully advised in the premises; and

WHEREAS, written protests with respect to the formation of the CFD, the furnishing of specified types of Services and the rate and method of apportionment of the special taxes have not been filed with the City Clerk of the City by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or property owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax; and

WHEREAS, the special tax proposed to be levied in the CFD to pay for the proposed Services to be provided therein, as set forth in Exhibit A hereto, has not been

levy of the special tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until the special tax obligation ceases and the lien canceled in accordance with law or until collection of the tax by the City ceases.

10. Appropriations Limit. In accordance with Section 53325.7 of the Act, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the CFD is hereby preliminarily established at \$100,600.00 and said appropriations limit shall be submitted to the voters of the CFD as hereafter provided. The proposition establishing said annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Act.

11. Election. Pursuant to the provisions of the Act, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the CFD at an election the time, place and conditions of which election shall be as specified by a separate resolution of this Council.

12. Effective Date. This Resolution shall take effect upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 20th day of June 2006, on the following vote:

AYES: Councilmember Laurence, Manning, Pierce, Vice Mayor Walcutt and Mayor Shuey.

NOES: None.

ABSENT: None.


ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA



DAVID T. SHUEY, MAYOR

ATTEST:



Rhonda K. Basore, City Clerk

EXHIBIT A

CITY OF CLAYTON Community Facilities District 2006-1 (Downtown Park Operation and Maintenance District)

DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

The Services that are proposed to be financed by the City of Clayton Community Facilities District 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD") shall include the attributable costs of operation, maintenance, repair and replacement of:

A. Downtown Park – which includes but is not limited to:

Costs of operation, maintenance, repair and replacement of an approximate 1-acre public park (APN 119-015-005,006) abutting the western edge of (old) Marsh Creek Road between Main and Center Streets located in Town Center Clayton.

Definition

"Costs of Operation, Maintenance, Repair and Replacement" of the foregoing public park improvements means the furnishing of services and materials for the ordinary and usual operation, maintenance and care of a downtown public park with its appurtenant facilities, public restroom, gazebo, playground equipment and improvements, including repair, removal or replacement of all or part of any landscaping or turf or appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, pruning, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris, litter and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, and moles.

"Maintenance" also means the furnishing of water for public health purposes and irrigation of the park turf, trees and landscaping, and the supply of electricity to operate the attendant irrigation systems, park lights and electrical outlets. In addition, allowable expenses include the County's cost to levy and collect the District's assessment through the annual property tax bill, the City's shared equipment and facilities charges, City prorated overhead charges to administer and manage the District, and District reserve funds for capital replacements, vandalism and major repairs.

The foregoing services shall be provided through and by the City of Clayton, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City of Clayton.

EXHIBIT B

CITY OF CLAYTON Community Facilities District 2006-1 (Downtown Park Operation and Maintenance District)

RATE AND METHOD OF LEVY OF SPECIAL TAX

A special tax will be levied annually on each taxable parcel of land not defined below as an "Exempt Parcel" within the Community Facilities District 2006-1 (Downtown Park Operation and Maintenance District) (the "CFD") and collected in the same manner as ordinary ad-valorem property taxes or in such manner as the City of Clayton City Council or its designee shall determine, including City-originated billing of the affected property owners.

Definitions

<u>Taxable Parcels:</u>	Parcels of land within the boundaries of the CFD that are not included in the "Exempt Parcel" category listed below.
<u>Exempt Parcels:</u>	Parcels of land owned by a public school district, and parcels of land owned by the City of Clayton or the Clayton Redevelopment Agency outside the boundaries of the defined Downtown Core area (see map, Attachment 1 of Exhibit B).
<u>Residential Parcels:</u>	Taxable Parcels of land in the District that are classified in the City of Clayton General Plan as either single-family, multi-family or rural estate residential parcels.
<u>Downtown Core Parcels:</u>	Taxable Parcels within the Downtown Core area that are not classified as "Residential Parcels".
<u>Other Commercial Parcels:</u>	Taxable Parcels outside the boundaries of the Downtown Core area that are not classified as "Residential Parcels", "Recreational Open Space Parcels" or "Multi-Family Residential Care Facilities".
<u>Recreational Open Space Parcels:</u>	Taxable Parcels classified as "Private Golf Course" in the City of Clayton General Plan.
<u>Multi-Family Residential Care Facilities Parcels:</u>	Taxable Parcels having institutional or congregate care residential units within a facility with an on-site manager.
<u>Special Tax:</u>	The special tax allowed to be levied on property within the CFD, calculated pursuant to this Rate and Method of Apportionment of Special Tax.

**DOWNTOWN CORE AREA
FOR
COMMUNITY FACILITIES
DISTRICT 2006-1**

